

Remarks

With regard to the rejection pursuant to 35 U.S.C. §112, it is respectfully submitted that the term “stock EVO” is not indefinite and refers to a single configuration that is well known to those of ordinary skill in the art. As stated on page 1, lines 20-28, “as with all engines the original factory EVO engines have specific frame and power transmission mounting components and locations. Many aftermarket engine manufacturers produce their design based on this EVO mounting configuration. As a result, these engines will fit as direct replacements for the original equipment manufacturer (OEM) equipment, and there are no alterations to the frame or power transmission mounting components required.” Accordingly, the EVO stock mounting configuration for the frame and the transmission are definite fixed parameters that are known to those of ordinary skill in the art as evidenced by the aftermarket for engines suitable for this platform.

The dimensions for mounting the engine to the frame and for mating with the power transmission components are shown in Figs. 10 and 11 and discussed on page 8, lines 5-30 of the application as originally filed. These dimensions are approximate and it is to be understood that the dimensions referred to in the patent application as “stock EVO” dimensions refer to the dimensions of the 1340 EVOLUTION motorcycle engine produced by Harley-Davidson. As set forth above, the “stock EVO” platform is a single, definite set of dimensions that are well known to those of ordinary skill in the art. Accordingly, it is respectfully submitted that the 35 U.S.C. §112 rejection should be removed.

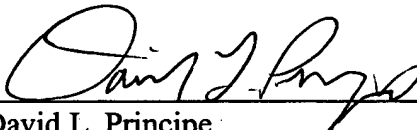
With regard to the 35 U.S.C. §103(a) rejection, it is respectfully submitted that it would not have been obvious to modify the engine disclosed in Itoh as suggested by the Examiner because doing so would destroy the intended function of the engine. The Itoh patent discloses an engine with a transmission and clutch integral with the engine. Specifically, in Fig. 7 an integral transmission with a main shaft 38 and a countershaft 39 and a clutch assembly is shown. The Itoh engine would not fit into the stock EVO platform for at least the following reasons: a) the physical dimensions would not allow a front and rear motor mount to mate with the EVO engine mounting locations; and, b) the output from the transmission is a driveshaft to the rear wheel. In Fig. 7, the Itoh patent shows an output shaft from the transmission which would supposedly

connect to a driveshaft. This would not conform in any way to an EVO drivetrain design. The stock EVO platform requires a chain or belt drive to the rear wheel in order to conform to the stock design parameters. Accordingly a stock transmission or primary drive system for the EVO engine would not be able to be used with the Itoh engine.

Because there is no teaching or suggestion in the Itoh reference to modify the design to fit into the stock EVO platform and because modifying the Itoh engine as suggested by the Examiner would destroy the intended function of the Itoh reference (an engine having an integral transmission and clutch and having a driveshaft to the rear wheel), it is submitted that the 35 U.S.C. §103 rejections of Claims 1-7 are not proper and should be removed.

Please charge any fees due with this response to Deposit Account No. 08-2442.

Respectfully submitted,

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Dated: April 14, 2005

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